

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 1:20-CV-00039-HAB-SLC
)	
INDIANA WESLEYAN UNIVERSITY,)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION TO EXTEND DEADLINE FOR RESPONSE
TO PLAINTIFF’S AMENDED MOTION FOR A PRELIMINARY INJUNCTION**

Defendant, Indiana Wesleyan University, respectfully moves the Court to extend the deadline for filing a response to Plaintiff’s Amended Motion for a Preliminary Injunction [Dkt. No. 52]. In support of this motion, the Defendant states as follows:

1. Plaintiff filed the complaint to initiate this action, along with a motion for a preliminary injunction, on January 23, 2020. [Dkt. Nos. 1, 5.] In response, Defendant timely moved to dismiss Plaintiff’s complaint and filed a response in opposition to Plaintiff’s motion for a preliminary injunction on March 17, 2020. [Dkt. Nos. 31, 33.]
2. Plaintiff’s motion for a preliminary injunction originally was set for a hearing on April 22, 2020 [Dkt. No. 15], although on April 7, 2020, the Court reset the hearing for June 18, 2020 [Dkt. No. 49].
3. On April 8, 2020, Plaintiff filed Plaintiff’s Motion for Leave to File First Amended Complaint, *Instante*r (“Motion to Amend”), along with an Amended Motion for a Preliminary Injunction. [Dkt. Nos. 50, 52.]

4. Defendant's responses to Plaintiff's Motion to Amend and Plaintiff's Amended Motion for a Preliminary Injunction are due on April 22, 2020. *See* N.D. Ind. L.R. 7-1(D)(3)(a). This deadline has not yet passed or previously been extended.

5. Although Defendant intends to file its response to Plaintiff's Motion to Amend on the current April 22, 2020 deadline, it respectfully requests that the Court extend its deadline to file its response to Plaintiff's Amended Motion for a Preliminary Injunction. Plaintiff's Amended Motion for a Preliminary Injunction includes arguments premised on claims raised for the first time in Plaintiff's proposed amended complaint. Unless and until the Court gives Plaintiff leave to file that amended complaint, however, those arguments are premature and requiring Defendant to respond to them now would only serve to confuse the issues and expend potentially unnecessary resources. Thus, Defendant requests that the Court extend the deadline for it to file a response to Plaintiff's Amended Motion for a Preliminary Injunction until two (2) weeks after this Court rules on Plaintiff's Motion to Amend.

6. On April 21, 2020, undersigned counsel for Defendant contacted counsel for Plaintiff regarding its request for an extension of its deadline to file a response to Plaintiff's Amended Motion for Preliminary Injunction, and counsel for Plaintiff stated that she has no objection to it.

7. This motion is made for legitimate purposes and not for the purpose of unnecessary delay.

WHEREFORE, Defendant respectfully requests that the Court extend the deadline for it to file its response to Plaintiff's Amended Motion for a Preliminary Injunction until two (2) weeks after this Court rules on Plaintiff's Motion to Amend.

Respectfully submitted,

FAEGRE DRINKER BIDDLE & REATH LLP

By: /s/ Amanda L. Shelby

Amanda L. Shelby (#27726-49)

Grayson F. Harbour (#35700-53)

300 North Meridian Street, Suite 2500

Indianapolis, Indiana 46204

Telephone: (317) 237-0300

Facsimile: (317) 237-1000

Email: amanda.shelby@faegredrinker.com

grayson.harbour@faegredrinker.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Peter J. Agostino
ANDERSON AGOSTINO & KELLER, P.C.
131 South Taylor Street
South Bend, IN 46601
agostino@aaklaw.com

Susan C. Stone
Kristina W. Supler
KOHRMAN JACKSON & KRANTZ, LLP
1375 E. 9th Street, 29th Floor
Cleveland, OH 44114
scs@kjk.com
kws@kjk.com

/s/ Amanda L. Shelby